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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,347	01/08/2001	Heinz Lienhard	01-101	6670
7590	01/14/2004		EXAMINER	
Robert H. Bachman BACHMAN & LaPOINTE, P.C. Suite 1201 900 Chapel Street New Haven, CT 06510-2802			TANG, KUO LIANG J	
			ART UNIT	PAPER NUMBER
			2122	S
DATE MAILED: 01/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/756,347	LIENHARD ET AL.	
	Examiner Kuo-Liang J Tang	Art Unit 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 January 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |                                                                                                |                                                                              |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### *Specification*

- (j) **Abstract of the Disclosure:** See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

1. The abstract of the disclosure is objected to because the abstract of the disclosure exceeds 150 words in length and more than one paragraph. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-4, 7-11 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Boden et al. US Patent No. 5,930,512 (hereinafter Boden).

2. As per Claim 1, Boden discloses Apparatus and computer implemented method for process modeling using both a web server and a workflow server in process definition. A workflow process may be modeled using one modeler at buildtime, and that process be executed using a different modeler at runtime. (See Abstract and associated text). In that Boden discloses the method that covering the steps of:

“in a design or prototyping mode, said process model is drawn up according to the desired application by using an extendable set of building blocks and a preferably automated dialog for defining information needed by the process,” (E.g., see col. 5:38-48 and col. 4:19-23);

“entering the data corresponding to said information needed, animating and/or testing the thus designed prototype, uploading the final prototype of said application defined by said process model via said interface into a server or a computer network to obtain the run-time implementation of said application,” (E.g., Figure 4-5 & see col. 10:30-34); and

“in an implementing mode, executing said run-time application through said server or computer network.” (E.g., see Fig. 6 and Abstract where state “...The result is then fed through an inverse transform  $f(p)$  to a workflow server in the language of that server, for invocation and execution during runtime of the programs defined during buildtime. ...”) and (E.g., see col. 11:56-67 where state “...internet access is provided for workflow via any client world-wide. ...”).

3. As per Claim 3, the rejection of claim 1 is incorporated and further Boden teaches

“in the design mode, the process or process model is graphically displayed and may be modified by graphical means and/or elements.” (E.g., see col. 12:45-49 and col. 23:58-57 to col. 24:1-5).

4. As per Claim 4, the rejection of claim 1 is incorporated and further Boden teaches “in the design mode, and before starting the implementing mode, the prototype may be several times modified and/or re-designed until a desired function or functional objective is reached.” (E.g., see Figure 4-5 & see col. 10:30-34).
5. As per Claim 7, the rejection of claim 1 is incorporated and further Boden teaches “both in design and the run-time mode, the interaction with a designer/user of an application is carried out via a common Internet browser.” (E.g., see Figure 6 item 130 “WEB BROWSER”).
6. As per Claim 8, the rejection of claim 7 is incorporated and further Boden teaches “the dialog pages for the interaction between application and designer are common HTML, XML, or similar pages, preferably containing marked areas to protect against accidental or voluntary manipulation or modification of information critical for proper functioning of the application.” (E.g., see col. 2:51-65).
7. As per Claim 9, the rejection of claim 1 is incorporated and further Boden teaches

“in the run-time mode, a process may be started automatically from another application rather than directly from a user.” (E.g., see col. 1:39-44”).

8. As per Claim 10, the rejection of claim 1 is incorporated and further Boden teaches “a process or sub-process is executed as run-time application in a distributed way on the client machines instead of on the server.” (E.g., see col. 1:53-59”).

9. As per Claim 11, the rejection of claim 1 is incorporated and further Boden teaches “an installed or downloaded run-time application is run as a so-called "peer-to-peer" instead of a client-server application.” (E.g., see col. 1:53-59 where states “...It is possible, however, to have a FlowMark server and clients on one (stand-alone) workstation.”).

10. As per Claim 13, Boden discloses Apparatus and computer implemented method for process modeling using both a web server and a workflow server in process definition. (See Abstract and associated text). In that Boden discloses the method that covering the steps of:

“means for displaying said process model,” (E.g., see Figure 10-20);

“means for executing automated dialogs between a designer and said process model, including means for entering data into said process model and means for controlling changes of said process model to develop and/or amend a prototype of the desired process,” (E.g., see Figure 4-5 & see col. 10:30-34);

“means for animating and/or testing said thus designed prototype,” (E.g., see Figure 4-5 & see col. 10:30-34);

“means for implementing said process model by uploading the final prototype of said process via said interface into a server or computer network.” (E.g. see Fig. 6 and Abstract where state “... The result is then fed through an inverse transform  $f(p)$  to a workflow server in the language of that server, for invocation and execution during runtime of the programs defined during buildtime. ...”) and (E.g., see col. 11:56-67 where state “...internet access is provided for workflow via any client world-wide. ...”).

11. As per Claim 14, the rejection of claim 13 is incorporated and further Boden teaches “the server or computer network is connected to the Internet or an Intranet.” (E.g., see Fig. 6 and see col. 11:56-67 where state “...internet access is provided for workflow via any client world-wide. ...”).

12. As per Claim 15, the rejection of claim 13 is incorporated and further Boden teaches “displaying the process model in the design mode is a graphical means and includes means for graphically modifying elements of said process model.” (E.g., see col. 12:45-49 and col. 23:58-57 to col. 24:1-5).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boden et al. US Patent No. 5,930,512 (hereinafter Boden) in view of IBM Corp., IBM FlowMark--Managing Your Workflow, Ver. 2.1, IBM Publication SH19-8243-00 (1995) (hereinafter IBM).

14. As per Claim 5, the rejection of claim 1 is incorporated and further Boden doesn't explicitly disclose a step-by-step dialog. However, IBM teaches "in the design mode, the preferably automated dialog is designed as a step-by-step dialog and the displayed process proceeds accordingly whenever data is entered." (E.g., see page 2.5.5.1-1, Section 2.5.5.1 Supplying data for a process instance). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of IBM into the system of Boden, to use IBM FlowMark with a step-by-step dialog. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the user can create workflow models by entering values for data structure used by process in the FlowMark Runtime module.

15. As per Claim 6, the rejection of claim 5 is incorporated and further Boden teaches "during the preferably automated dialog, graphical masks are provided, in particular close to displayed corresponding process elements into which masks the required data are entered." (E.g., see col. 12:45-49 and col. 23:58-57 to col. 24:1-5).

16. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boden et al. US Patent No. 5,930,512 (hereinafter Boden) in view of Bimson et al. US Pub No. US2002/0046244A1 (hereinafter Bimson).

17. As per Claim 2, the rejection of claim 1 is incorporated and further further Boden doesn't explicitly disclose supporting content management. However, Bimson teaches "the application is defined by more than one process or process model, in particular by processes or process models specifically supporting content management of said application." (E.g., see Page 3, Section 0022). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bimson into the system of Boden, to support content management. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the content management application is directed to a system for permitting a company to implement changes to an internet website by defining and enforcing a common style of page layout produced on an intranet server.

18. As per Claim 12, the rejection of claim 1 is incorporated and further Boden doesn't explicitly disclose content management. However, Bimson teaches "a process model is not defining the application itself but rather its management and administration, particularly for so-called content management." (E.g., see Page 3, Section 0022). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bimson into the system of Boden, to use content management. The modification

would have been obvious because one of ordinary skill in the art would have been motivated so that the content management application is directed to a system for permitting a company to implement changes to an internet website by defining and enforcing a common style of page layout produced on an intranet server and not defined in the process model.

### ***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang J Tang whose telephone number is 703-305-4866. The examiner can normally be reached on M-F 8:30 to 5:00.

***If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on 703-305-4552.***

Any response to this action should be mailed to:

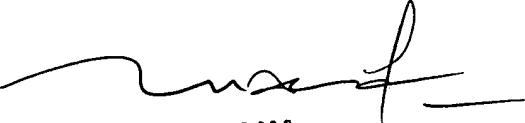
Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306.

*Kuo-Liang J. Tang*



TUAN DAM  
SUPERVISORY PATENT EXAMINER

Software Engineer Patent Examiner